

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Development Department

AGENDA DATE: Introduction: July 10, 2012
Public Hearing: July 31, 2012

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: 3

SUBJECT:

An Ordinance granting Special Permit No. PZST12-00003, to allow for infill development with reduced lot area, reduced lot width, and reduced side setbacks on the property described as Lot 24, Block 3 of Hughes Subdivision of Lots 8 through 15, Block 2, of the Alameda Acres Addition, City of El Paso, El Paso County, Texas, pursuant to Section 20.10.280 Infill Development of the El Paso City Code. The penalty being as provided for in Chapter 20.24 of the El Paso City Code. Subject Property: 5725 Kapilowitz Court. Property Owner: Olivia Galvez Beal. PZST12-00003 (**District 3**)

BACKGROUND / DISCUSSION:

Staff report attached.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

City Plan Commission (CPC) – Approval Recommendation (6-0)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Director, City Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING SPECIAL PERMIT NO. PZST12-00003, TO ALLOW FOR INFILL DEVELOPMENT WITH REDUCED LOT AREA, REDUCED LOT WIDTH, AND REDUCED SIDE SETBACKS ON THE PROPERTY DESCRIBED AS LOT 24, BLOCK 3 OF HUGHES SUBDIVISION OF LOTS 8 THROUGH 15, BLOCK 2, OF THE ALAMEDA ACRES ADDITION, CITY OF EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.10.280 INFILL DEVELOPMENT OF THE EL PASO CITY CODE. THE PENALTY BEING AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

WHEREAS, Olivia Galvez Beal has applied for a Special Permit for infill development under Section 20.10.280 of the El Paso City for a Single-Family Residence with reduced lot area, reduced lot width, and reduced side setbacks; and,

WHEREAS, a report was made to the City Plan Commission and a public hearing was held regarding such application; and,

WHEREAS, the City Plan Commission has recommended approval of the subject Special Permit; and,

WHEREAS, the subject Special Permit has been submitted to the City Council of the City of El Paso for review and approval; and,

WHEREAS, the City Council of the City of El Paso finds that the application conforms to all requirements of Sections 20.04.320 of the El Paso City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the property described as follows is in an **R-5 (RESIDENTIAL)** Zone District:

Lot 24, Block 3 of Hughes Subdivision of Lots 8 through 15, Block 2, of the Alameda Acres Addition, City of El Paso, El Paso County, Texas; and,

2. That the City Council hereby grants a Special Permit under Sections 20.04.320 of the El Paso City Code, to allow an infill development for a Single-Family Residence with reduced lot area, reduced lot width, and reduced side setbacks; and,
3. That this Special Permit is issued subject to the development standards in the **R-5 (RESIDENTIAL)** District regulations and is subject to the approved Detailed Site Development Plan, signed by the Applicant, the City Manager and

ORDINANCE NO. _____

PZST12-00003

the Executive Secretary to the City Plan Commission. A copy of this plan is attached hereto as Exhibit "A" and incorporated herein by reference for all purposes; and,

4. That if at any time the Owners fail to comply with any of the requirements of this Ordinance, Special Permit No. PZST12-00003 shall automatically terminate, and construction shall stop or occupancy shall be discontinued, until any such violation ceases; and,
5. That the Owners shall sign an Agreement incorporating the requirements of this Ordinance. Such Agreement shall be signed and filed with the Zoning Administrator and the Executive Secretary of the City Plan Commission before building permits are issued.

PASSED AND APPROVED this _____ day of _____, 2012.

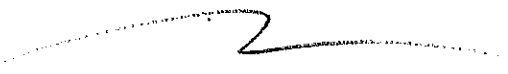
THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

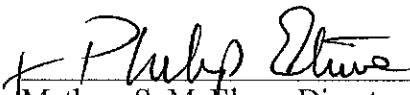
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:



Mathew S. McElroy, Director
City Development Department

ORDINANCE NO. _____

PZST12-00003

AGREEMENT

Olivia Galvez Beal, referred to in the above Ordinance, hereby agrees to develop the above-described property in accordance with the approved Detailed Site Development Plan attached to same Ordinance, and in accordance with the standards identified in the R-5 (RESIDENTIAL) District regulations, and subject to all other requirements set forth in this Ordinance.

EXECUTED this 18th day of June, 2012.

Olivia Galvez Beal:

By: OLIVIA GALVEZ-BEAL
(name/title)

[Signature]
(signature)

ACKNOWLEDGMENT

THE STATE OF TEXAS)
COUNTY OF EL PASO)

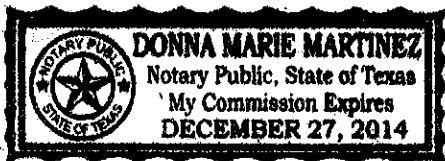
This instrument is acknowledged before me on this 18th day of June, 2012, by [Signature], for Olivia Galvez Beal, as Owner.

My Commission Expires:

[Signature]
Notary Public, State of Texas

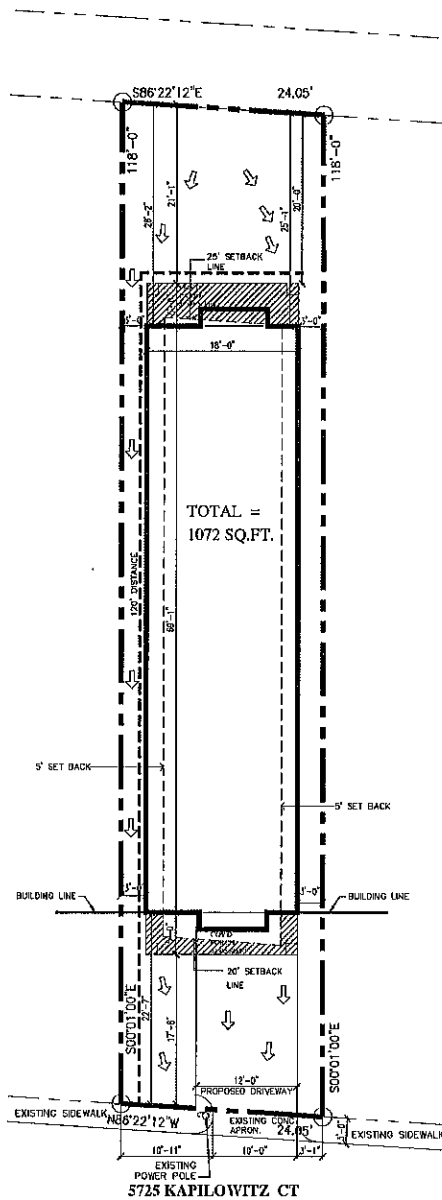
Notary's Printed or Typed Name

Donna Marie Martinez



ORDINANCE NO. _____

PZST12-00003



SITE PLAN

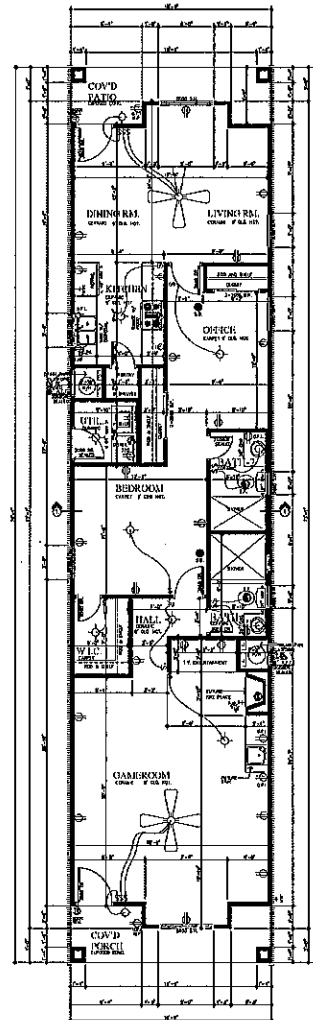
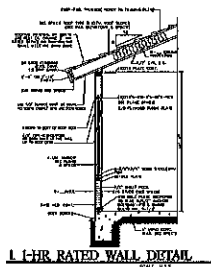
LEGEND

BUILDING SQUARE AREA:
AREA SQUARE FOOTAGE 1072 SQ.FT.

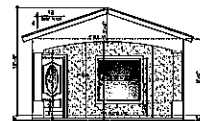
PROPERTY ADDRESS:
5725 KAPLOWITZ

(ZONING - R-5) SET BACKS:
FRONT YARD 20'
SIDE YARD 5'
REAR YARD 25'
ABUTTING SIDE ST 10'
INFILL DEVELOPMENT
REDUCTION REQUESTED
LOT AREA 2,832 SQ. FT.
SIDEYARD SETBACK 3'
LOT WITH 24'-4"

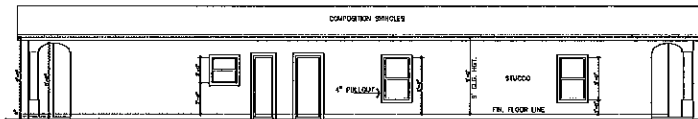
LEGAL DESCRIPTION:
5725 KAPLOWITZ CT
3 HUGHES S/D BLK 2 ALAMEDA ACRES LOT 24
CITY OF EL PASO, EL PASO COUNTY, TEXAS.



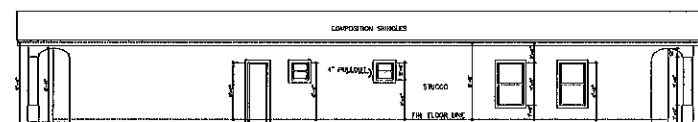
SCALE: 1/8"=1'-0"



SCALE: 1/8"=1'-0"



SCALE: 1/4"=1'-0"

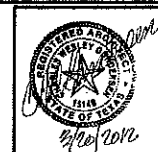


SCALE: 1/4"=1'-0"



RESIDENCE TO BE BUILT BY
RESIDENCE TO: OLIVIA GALVEZ-BEAL

DETAIL
SITE PLAN



AREA FOOTAGE
FLOOR 1072 SQ.FT.
FLOOR 88 SQ.FT.
TOTAL 1160 SQ.FT.

MEMORANDUM

DATE: June 21, 2012

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Andrew Salloum, Planner

SUBJECT: PZST12-00003

The City Plan Commission (CPC) on May 31, 2012, voted **6-0** to recommend **APPROVAL** of the special permit application to allow for infill development and a recommendation that neither neighbors are disturbed by any earth work.

The CPC found that the special permit is in conformance with the Plan for El Paso and that the proposed use is in conformance with the Plan El Paso-Future Land Use Map Designation for the Central Planning Area. The proposed development is compatible with adjacent land uses. The CPC also determined that the special permit protects the best interest, health, safety, and welfare of the public in general; and the special permit will have no effect on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There was no opposition to this request.

Attachments: Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZST12-00003
Application Type: Special Permit
CPC Hearing Date: May 31, 2012
Staff Planner: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

Location: 5725 Kapilowitz Court
Legal Description: Lot 24, Block 3 of Hughes Subdivision of Lots 8 through 15, Block 2, of the Alameda Acres Addition, City of El Paso, El Paso County, Texas
Acreage: 0.065
Rep District: 3
Zoning: R-5 (Residential)
Existing Use: Vacant
Request: Infill Development / request reduced lot area, lot width, and side setback
Proposed Use: Single-family dwelling

Property Owner: Olivia Galvez Beal
Representative: Luis Lopez

SURROUNDING ZONING AND LAND USE

North: R-5 (Residential) / Single-family dwelling
South: R-5 (Residential) / Single-family dwelling
East: R-5 (Residential) / Single-family dwelling
West: R-5 (Residential) / Single-family dwelling

The Plan for El Paso Designation: G-2, Traditional neighborhood (Walkable) (Central Planning Area)

NEAREST PARK: San Juan Placita Park (1,681 feet)

NEAREST SCHOOL: Cooley Elementary (2,324 feet)

NEIGHBORHOOD ASSOCIATIONS

San Juan Neighborhood Improvement Association
El Paso Central Business Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 16, 2012. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting a special permit and detailed site development plan review for an infill development to reduce the lot size from the required 4,500 square-foot to 2,832 sq. ft., lot width from the required 45 feet to 24 feet, and side yard setback from the required 5 feet to 3 feet for a single-family dwelling. The applicant also submitted a letter requesting a driveway reduction from 12 feet to 10 feet to the Transportation Division for review and approval. As the alley is a dead end, Transportation Division supports the request for a curb cut. Access to the subject property is proposed from Kapilowitz Drive.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and detailed site development plan review request for Infill Development.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

G-2 – Traditional Neighborhood: This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.

The purpose of the R-5 (Residential) district is to promote and preserve residential development within the city to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

COMMENTS:

Planning Division –Transportation

No objections to the special permit. A variance request for the driveway width of 10ft. was approved.

City Development Department – Plan Review

Recommended approval because there is only a three foot separation from exterior walls to property line, these exterior walls need to have a one hour fire protection. Also the underside of the soffit needs to be one hour fire rated. This can be addressed at the permitting stage.

City Development Department - Land Development

No adverse comments.

Fire Department

Recommended approval – IFC 2009, section 503.1.1 Access shall allow the extension within 150 feet of all portions of any facility or building

El Paso Electric Company

1. Based upon a Detail Site Plan by Vista Del Sol Architectural Design for Olivia Galvez-Beal, these comments are to advise of El Paso Electric Company's concern with the pole in question being in or near the proposed driveway entrance of the captioned property. The pole, which sits in the right of way of Kapilowitz Street, is in such proximity to the proposed entrance to be a hindrance to the safe ingress and egress to the property.
2. El Paso Electric Company's recommendation is that the pole be relocated or the driveway be repositioned. If the pole is moved, the cost would be paid by the customer.

El Paso Water Utilities

1. EPWU does not object to this request.

Water:

2. There is an existing 4-inch diameter water main extending along Kapilowitz Court that is available for service. The water main is located approximately 8-feet north from the center line of the right-of-way.
3. EPWU records indicate a vacant water service connection (inactive meter) serving the subject property. The address for this service is 5725 Kapilowitz Court.
4. Previous water pressure reading from fire hydrant # 5414 located at the northeast intersection of Glenwood Street and Welch Avenue, have yielded a static pressure of 92 (psi) pounds per square inch, a residual pressure of 83 (psi) pounds per square inch and a discharge of 1233 (gpm) gallons per minute.
5. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

6. There is an existing 8-inch diameter sewer main extending along Kapilowitz Court that is available for service. The sewer main is located approximately 5-feet south from the center line of the right-of-way. General:
7. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

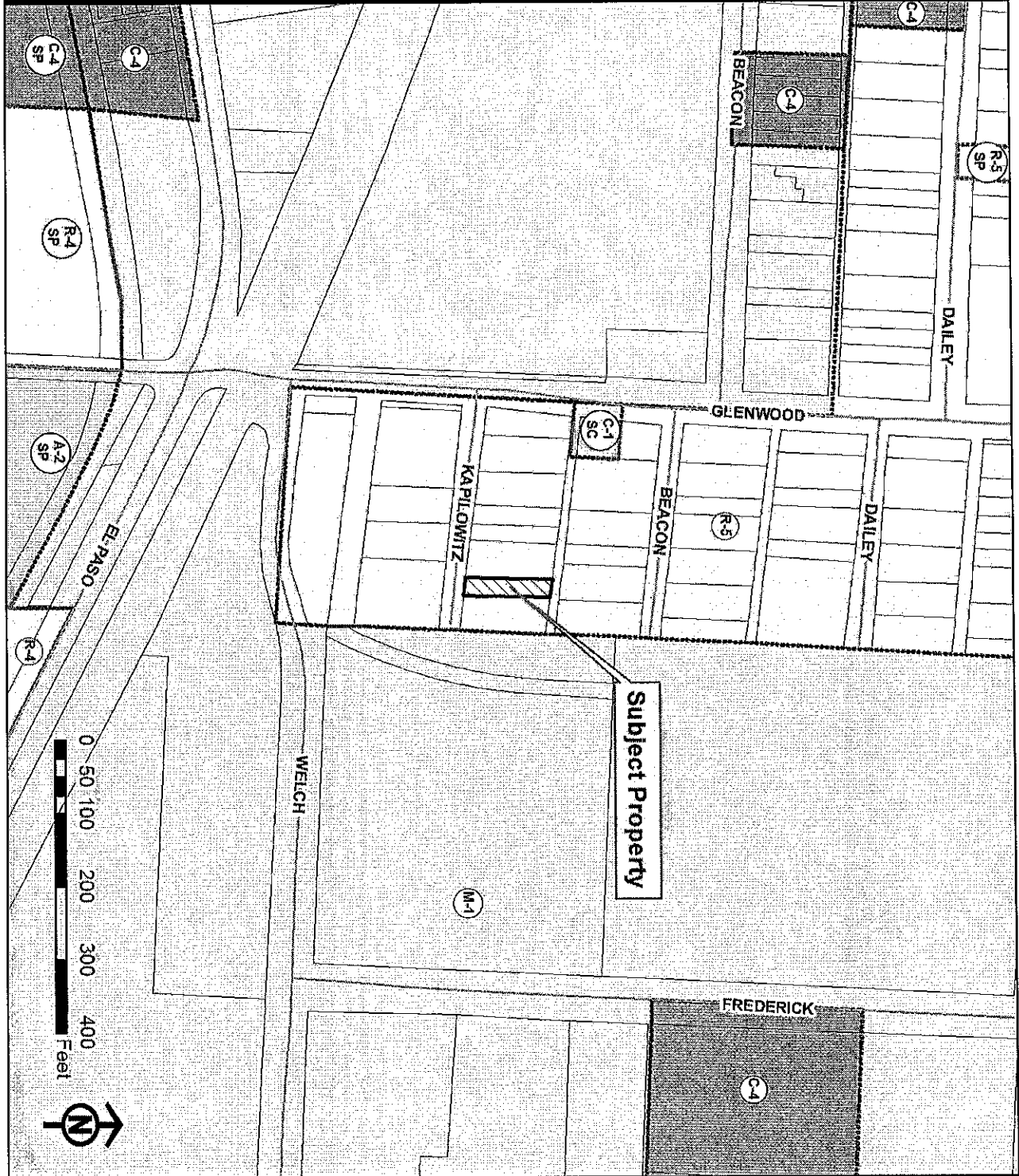
The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit and detailed site development plan application:

1. Recommend approval of the application finding that the special permit and detailed site development plan is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan
2. Recommend approval of the application with modifications to bring the special permit and detailed site development plan into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the special permit and detailed site development plan does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

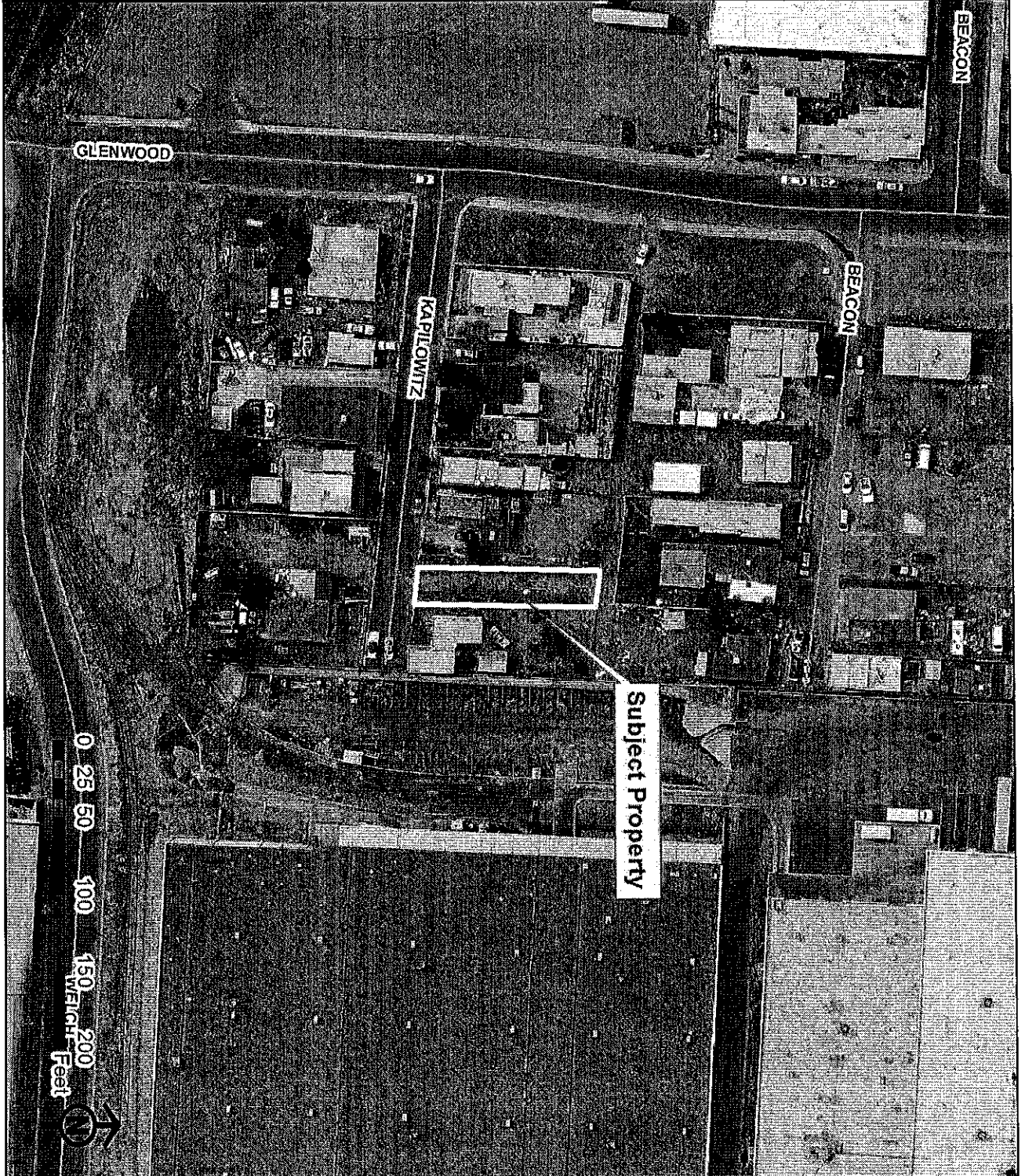
1. Location Map
2. Aerial Map
3. Detailed Site Development Plan

PZST12-00003



ATTACHMENT 2: AERIAL MAP

PZST12-00003



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN

